STATUS OF CLAIMS

Claims 1, 6, 7, 10-13, 15-17, 19, 20, and 58 were pending in the application. Claims 1 and 58 have been amended, claim 16 has been cancelled without prejudice or disclaimer, while no new claims have been added. Therefore, claims 1, 6, 7, 10-13, 15, 17, 19, 20, and 58 are pending and are submitted for reconsideration.

ART BASED REJECTIONS UNDER 35 USC § 103

In the office action, claims 1, 6, 7, 10-13, 15, 19, 20, and 58 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Number 6,026,397 (hereafter "Sheppard") in view of U.S. Patent No. 6,134,532 (hereafter "Lazarus"). Claims 16-17 were rejected under 35 USC §103(a) as being unpatentable over Sheppard and Lazarus in further view of U.S. Patent No. 5,613,041 (hereafter "Keeler"). Applicant respectfully traverses this rejection with respect to the pending claims for at least the following reasons.

Independent claim 1 recites a method of managing a marketing campaign which, *inter alia*, includes:

> … determining in the data mining engine a set of prevalent attributes of the subset of users…
> determining, in the data mining engine, **a complete set of statistically prevalent user attributes of the *subset of users*;**
> for any member of the subset of users having certain attributes which are undetermined in the user data base, filling in the certain undetermined attributes with the **corresponding ones of the complete set of statistically prevalent user attributes of the subset of users**.

As acknowledged in the office action (with respect to the previously pending claim 16), this combination of features is not disclosed by Sheppard and Lazarus.   To cure this deficiency in Sheppard and Lazarus, the office action relies on Keeler. However, Keeler also does not disclose these features for at least the following reasons.

Keeler discloses a data preprocess step 10 in which data patterns are reconciled to provide a more complete input to a system model 12   See Figure 1 and col. 4, lines 4-9 of Keeler. However, Keeler discloses that the data pre-processor 10 calculates the estimated or replace data values "from other data values using a reconciliation technique such as a linear estimate, spline-fit,… or more elaborate techniques such as auto-encoding neural network…." See col. 5, lines 29-43. Therefore, Keeler discloses that the estimated or replacement data values are calculated from the other data values and <u>not</u> from **corresponding ones of the complete set of** *statistically prevalent user attributes* **of the** *subset of users*. Therefore, there is no teaching in Keeler that the undetermined attributes are filled in from (1) corresponding ones of the complete set of statistically prevalent attributes of (2) the subset of users. Since this recited feature is not disclosed by any of the applied references, the pending independent claim 1 is patentable over the applied references.

In this context, it should be noted that the Patent Office (PTO) has the burden of proving each of the claimed features is shown by the prior art. An allegation that claimed subject matter is "obvious" (as here alleged) requires a positive, concrete teaching in the prior art, such as would lead a person skilled in the art to choose the claimed combination from among many that might be comprehended by broad prior art teachings. The PTO's review court has made it very clear that <u>silence</u> in a reference is hardly a substitute for clear and concrete evidence from which a conclusion of obviousness might justifiably flow. See, e.g., *Application of Burt*, 356 F.2d 115, 121 (CCPA 1966).

Independent claim 58 is also believed to be patentable over the applied references for at least the reasons that are similar as that discussed above with respect to independent claim 1. Specifically, independent claim 58 recites, *inter alia*, determining, in the data mining engine, a <u>complete set of statistically prevalent user attributes of *the*</u> <u>*subset of users,*</u> for any member of the subset of users having certain attributes which are undetermined in the user data base, <u>filling in the certain undetermined attributes with the</u> <u>corresponding ones of the complete set of statistically prevalent user attributes of *the*</u> <u>*subset of users*</u>. As previously discussed in the context of claim 1, these recited features are not disclosed or reasonably suggested by the applied references. Accordingly, independent claim 58 is patentable over the applied references.

DEPENDENT CLAIMS

The dependent claims are deemed to be patentable at least based on their dependence from allowable independent claims. In addition, they recite patentable subject matter when considered as a <u>whole</u>.

CONCLUSION

Accordingly, applicant submits that the application is now in condition for allowance and an indication of the same is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' representative at the telephone number listed below.

If this Amendment is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this Response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: __March 24, 2008__

By: _____/Aaron C. Chatterjee/__

Aaron C. Chatterjee
Reg. No. 41,398
Attorney for Applicants
Direct telephone (425) 706-7453
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

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